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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, *et al.*

## Plaintiffs,

V.

UNITED STATES OFFICE OF PERSONNEL  
MANAGEMENT, *et al.*,

## Defendants.

Case No. 3:25-cv-1780-WHA

**DEFENDANTS' NOTICE OF STEPS  
TAKEN TO COMPLY WITH THE APRIL  
18, 2025 PRELIMINARY INJUNCTION**

1 Please take notice that Defendants are filing on behalf of all relief defendant agencies  
2 declarations informing the Court of steps taken to comply with this Court's April 18, 2025  
3 preliminary injunction. In order to inform the Court of the steps taken by the relief defendant  
4 agencies to comply with paragraphs 4-6 of the Court's April 18, 2025 preliminary injunction,  
5 Defendants submit the following:

6 1. U.S. Department of Agriculture's ("USDA") declaration, acknowledging that its Chief  
7 Human Capital Officer (or its equivalent) has read and received the order and that it has provided  
8 recipients of the OPM template termination notice with a written statement that their termination  
9 was not "performance" or fitness based but was made as part of a government-wide mass  
10 termination. A separate declaration from USDA is being submitted under seal to provide details  
11 of employees whose terminations were carried out after an individualized evaluation of their  
12 performance.

13 2. U.S. Department of Commerce's declaration, acknowledging that its Chief Human  
14 Capital Officer has read and received the order and that it has provided recipients of the OPM  
15 template termination notice with a written statement that their termination was not  
16 "performance" or fitness based but was made as part of a government-wide mass termination.

17 3. U.S. Department of Defense's ("DoD") declaration, acknowledging that its Chief  
18 Human Capital Officer (or its equivalent) has read and received the order and that it has provided  
19 recipients of the OPM template termination notice with a written statement that their termination  
20 was not "performance" or fitness based but was made as part of a government-wide mass  
21 termination. A separate declaration and list from DoD are being submitted under seal to provide  
22 details of employees whose terminations were carried out after an individualized evaluation of  
23 their performance.

24 4. U.S. Department of Education's declaration, acknowledging that its Chief Human  
25 Capital Officer has read and received the order and that it has provided recipients of the OPM  
26 template termination notice with a written statement that their termination was not  
27 "performance" or fitness based but was made as part of a government-wide mass termination.  
28

1       5. U.S. Department of Energy's declaration, acknowledging that its Chief Human Capital  
2 Officer has read and received the order and that it has provided recipients of the OPM template  
3 termination notice with a written statement that their termination was not "performance" or  
4 fitness based but was made as part of a government-wide mass termination. An unredacted  
5 version of that declaration is being submitted under seal to provide details of employees whose  
6 terminations were carried out after an individualized evaluation of their performance.

7       6. U.S. Department of Health and Human Services' declaration, acknowledging that its  
8 Chief Human Capital Officer has read and received the order and that it has provided recipients  
9 of the OPM template termination notice with a written statement that their termination was not  
10 "performance" or fitness based but was made as part of a government-wide mass termination.

11       7. U.S. Department of Homeland Security's declaration, acknowledging that its Chief  
12 Human Capital Officer has read and received the order and that it has provided recipients of the  
13 OPM template termination notice with a written statement that their termination was not  
14 "performance" or fitness based but was made as part of a government-wide mass termination.

15       8. U.S. Department of Housing and Urban Development's declaration, acknowledging  
16 that its Chief Human Capital Officer has read and received the order and that it has provided  
17 recipients of the OPM template termination notice with a written statement that their termination  
18 was not "performance" or fitness based but was made as part of a government-wide mass  
19 termination.

20       9. U.S. Department of Justice's declaration, acknowledging that its Chief Human Capital  
21 Officer has read and received the order and stating that the Department of Justice did not use the  
22 OPM template termination notice or any variation thereof.

23       10.      U.S. Department of Interior's declaration, acknowledging that its Chief Human  
24 Capital Officer has read and received the order and that it has provided recipients of the OPM  
25 template termination notice with a written statement that their termination was not  
26 "performance" or fitness based but was made as part of a government-wide mass termination.

27       11.      U.S. Department of Labor's declaration, acknowledging that its Chief Human  
28 Capital Officer has read and received the order and that it has provided recipients of the OPM

1 template termination notice with a written statement that their termination was not  
2 “performance” or fitness based but was made as part of a government-wide mass termination.

3       12. U.S. Department of State’s declaration, acknowledging that its Chief Human  
4 Capital Officer (or its equivalent) has read and received the order and that it has provided  
5 recipients of the OPM template termination notice with a written statement that their termination  
6 was not “performance” or fitness based but was made as part of a government-wide mass  
7 termination. An unredacted version of that declaration is being submitted under seal to provide  
8 details of employees whose terminations were carried out after an individualized evaluation of  
9 their performance.

10      13. U.S. Department of the Treasury’s declaration, acknowledging that the equivalent  
11 of its Chief Human Capital Officer has read and received the order and that it has provided  
12 recipients of the OPM template termination notice with a written statement that their termination  
13 was not “performance” or fitness based but was made as part of a government-wide mass  
14 termination.

15      14. U.S. Department of Transportation’s declaration, acknowledging that its Chief  
16 Human Capital Officer has read and received the order and that it has provided recipients of the  
17 OPM template termination notice with a written statement that their termination was not  
18 “performance” or fitness based but was made as part of a government-wide mass termination.

19      15. U.S. Veterans’ Administration’s (“VA”) declaration, acknowledging that its Chief  
20 Human Capital Officer has read and received the order and that it has provided recipients of the  
21 OPM template termination notice, who were not terminated based on individualized  
22 determinations, with a written statement that their termination was not “performance” or fitness  
23 based but was made as part of a government-wide mass termination. Separate declarations from  
24 the VA are being submitted under seal to provide details of employees whose terminations were  
25 carried out after an individualized evaluation of their performance.

26      16. U.S. Environmental Protection Agency’s declaration, acknowledging that its  
27 Chief Human Capital Officer has read and received the order and that it has provided recipients

1 of the OPM template termination notice with a written statement that their termination was not  
2 “performance” or fitness based but was made as part of a government-wide mass termination.

3       17. U.S. General Services Administration’s declaration, acknowledging that its Chief  
4 Human Capital Officer has read and received the order and that it has provided recipients of the  
5 OPM template termination notice with a written statement that their termination was not  
6 “performance” or fitness based but was made as part of a government-wide mass termination.

7       18. U.S. National Aeronautics and Space Administration’s (“NASA”) declaration,  
8 acknowledging that its Chief Human Capital Officer has read and received the order and stating  
9 that NASA did not use the OPM template termination notice or any variation thereof.

10       19. National Science Foundation’s (“NSF”) declaration, acknowledging that its Chief  
11 Human Capital Officer (or its equivalent) has read and received the order and that it has provided  
12 recipients of the OPM template termination notice with a written statement that their termination  
13 was not “performance” or fitness based but was made as part of a government-wide mass  
14 termination. A list from NSF is being submitted under seal to provide details of one employee  
15 whose termination was carried out after an individualized evaluation of said employee’s  
16 performance.

17       20. U.S. Office of Management and Budget’s declaration, acknowledging that its  
18 Chief Human Capital Officer (or its equivalent) has read and received the order and that it has  
19 provided the recipient of the OPM template termination notice with a written statement that his  
20 termination was not “performance” or fitness based but was made as part of a government-wide  
21 mass termination.

22       21. U.S. Small Business Administration’s declaration, acknowledging that its Chief  
23 Human Capital Officer has read and received the order and that it has provided recipients of the  
24 OPM template termination notice with a written statement that their termination was not  
25 “performance” or fitness based but was made as part of a government-wide mass termination.

26       22. U.S. Social Security Administration’s declaration, acknowledging that its Chief  
27 Human Capital Officer has read and received the order and that it has provided recipients of the  
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1 OPM template termination notice with a written statement that their termination was not  
2 “performance” or fitness based but was made as part of a government-wide mass termination.  
3

4 Dated: May 8, 2025

Respectfully submitted,

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